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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIFFANI RINZEL,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 1:22-cv-00143-DJC-GSA

STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES PURSUANT  
TO THE EQUAL ACCESS TO JUSTICE ACT,  
28 U.S.C. § 2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of SEVEN THOUSAND, FIVE HUNDRED DOLLARS AND ZERO CENTS (\$7,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel Jonathan O. Pena (Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will

1 depend on whether the fees are subject to any offset allowed under the United States Department  
2 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
3 determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to  
6 be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments  
7 made shall be delivered to Counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
11 bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law firm and  
12 associates, may have relating to EAJA attorney fees in connection with this action.

13 This award is without prejudice to the rights of Counsel to seek Social Security Act  
14 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

15 Respectfully submitted,

16 Dated: May 27, 2025

PENA & BROMBERG, PLC

17 By: /s/ Jonathan O. Pena\*  
18 JONATHAN O. PENA  
19 Attorneys for Plaintiff  
20 [\*As authorized by e-mail on May 27, 2025]

21 Dated: May 28, 2025

MICHELE BECKWITH  
Acting United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation, Office 7

22 By: /s/ Margaret Branick-Abilla  
23 MARGARET BRANICK-ABILLA  
24 Special Assistant United States Attorney  
25 Attorneys for Defendant  
26  
27  
28

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: May 28, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE